

IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT  
OF TEXAS DALLAS DIVISION

MOSES AND MARGIE WARD,	§
<i>Plaintiff,</i>	§
v.	§
LIBERTY INSURANCE	§
CORPORATION, TERESA	§
SULTZBACH AND SUANY CRUZ	§
<i>Defendant.</i>	§

CIVIL ACTION NO. \_\_\_\_\_

**DEFENDANTS LIBERTY INSURANCE CORPORATION  
AND TERESA SULTZBACH'S  
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants Liberty Insurance Corporation ("Liberty") and Teresa Sultzbach ("Sultzbach") files this Notice of Removal pursuant to 28 U.S.C. 1446(a) and respectfully shows the Court the following:

**I.  
FACTUAL BACKGROUND**

1. In this civil action, Plaintiffs allege that Defendants are liable under a residential property insurance policy because Plaintiffs made a claim under the policy and Defendant allegedly under-evaluated Plaintiffs claim. Plaintiffs lawsuit asserts claims against Liberty Insurance Corporation which is organized under the laws of the State of Illinois with its principal place of business at 175 Berkeley Street, Boston Massachusetts.

2. On August 31, 2017, Plaintiffs Moses and Margie Ward ("Plaintiffs") filed a lawsuit styled Cause No. DC-17-11341; *Moses and Margie Ward v. Liberty Insurance Corporation, et al;* in the 95<sup>th</sup> District Court, Dallas County, Texas.

3. Liberty's registered agent received service of this suit on September 18, 2017.
4. Liberty files this notice of removal within 30 days of receiving Plaintiffs pleading.

See 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

5. Pursuant to Local Rule 81.1, the following documents are being filed concurrently with this removal: an Index of Matters Being Filed (Exhibit "A"); a Civil Case Cover Sheet (Exhibit "B"); a Supplemental Civil Case Cover Sheet (Exhibit "C"); a copy of the Dallas County District Clerk's file for this case (Exhibit "D"), which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet; and the Certificate of Interested Parties (Exhibit "E").

**II.**  
**BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a), and 1446.

**A. Plaintiffs and Defendants Are Diverse.**

7. According to Plaintiffs Original Petition, Plaintiffs are Texas citizens.
8. Defendant Liberty is organized under the laws of the State of Massachusetts.
9. Defendant Sultzbach is a citizen of the State of Michigan.
10. Defendant Cruz is a citizen of the State of Florida.<sup>1</sup>

**B. The Amount In Controversy Exceeds Jurisdictional Requirements**

11. This is a civil action in which the amount in controversy exceeds \$75,000.00.

Plaintiffs plead that their damages are over \$75,000.00, but not more than \$100,000.00.<sup>2</sup>

<sup>1</sup> See Plaintiff's Petition p.2-3).

<sup>2</sup> See Plaintiff's Petition p. 3).

**C. Removal is Procedurally Correct**

12. Defendant Liberty Insurance Corporation first received notice of Plaintiffs Original Petition on September 18, 2017, when it was served. Cruz has not been served with Plaintiffs Petition, but will represent Cruz once service is effected. Sultzbach was served with Plaintiffs Petition on September 19, 2017.

Liberty is filing this Notice within the 30- day time period required by 28 U.S.C. § 1446(b).

13. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiffs claims allegedly occurred in this District and Division.

14. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

15. Pursuant to 28 U.S.C. §1446(d), promptly after Liberty files this Notice, written notice of the filing will be given to Plaintiffs.

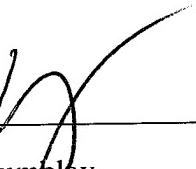
16. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be promptly filed with the District Clerk of the 95<sup>th</sup> District Court, Dallas County District Court after Liberty files this Notice.

**III.**  
**CONCLUSION**

Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant Liberty hereby removes this case to this Court for trial and determination.

Respectfully submitted,

LAW OFFICES OF DAVID L. CHUMBLEY, P.C.

By: 

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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

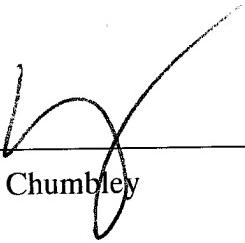
I hereby certify that on October 11<sup>th</sup>, 2017, a true and correct copy of the foregoing instrument was served pursuant to the Federal Rules of Civil Procedure on the following counsel of record:

Eric B. Dick

Dick Law Firm, PLLC

3701 Brookwoods Drive

Houston, TX 77092

  
David L. Chumbley